



2645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BYRNE *et al.*

Appl. No.: 09/934,121

Filed: August 21, 2001

For: **Dynamic Interactive Voice
Interface**

Confirmation No.: 7730

Art Unit: 2645

Examiner: MD S. Elahee

Atty. Docket: 2222.0320000

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☒ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ 5. Documents AJ1, AA2, AB2, and AE2 were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided as document AS1 in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document appears below:
- ☒ 7. In accordance with 37 C.F.R. 1.98(a)(2), copies of the 'U.S. Patent Documents' cited on the attached Form PTO-1449 are not enclosed. Copies of 'Foreign Patent Documents' AL1, AM1, and AN1 and 'Other' documents AR1, AS1, AT1, AR2, AS2, AT2, and AR3 are enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

- ☐ 9. It is expected that the examiner will review the prosecution and cited art in the parent Application No. _____, filed _____, in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Nicole D. Dretar
Attorney for Applicants
Registration No. 54,076

Date: 08-04-2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

426790_1.DOC



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr.
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Eldora L. Ellison
Thomas C. Fiala
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Brian J. Del Buono
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier

Rae Lynn P. Guest
George S. Bardmesser
Daniel A. Klein
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Aric W. Ledford
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gabby L. Longworth
Lori A. Gordon
Nicole D. Dretar
Ted J. Ebersole
Laura A. Vogel

Michael J. Mancuso
Bryan S. Wade
Aaron L. Schwartz
Michael G. Penn*
Shannon A. Carroll*
Wesley W. Jones*
Matthew E. Kelley*
Nicole R. Kramer*

Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford

Michelle K. Holoubek
Simon J. Elliott
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse
Christopher J. Walsh
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey Mills

Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to
Federal Agencies

August 4, 2005

WRITER'S DIRECT NUMBER:

(202) 772-8898

INTERNET ADDRESS:

NDRETAR@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2645

Re: U.S. Utility Patent Application
Application No. 09/934,121; Filed: August 21, 2001
For: **Dynamic Interactive Voice Interface**
Inventors: Byrne *et al.*
Our Ref: 2222.0320000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover the IDS Submission Surcharge;
2. Fee Transmittal Form (PTO/SB/17);
3. Information Disclosure Statement;
4. Form PTO-1449 listing twenty-six (26) documents and accompanied by ten (10) documents;
5. Amendment and Reply Under 37 C.F.R. § 1.111; and
6. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
August 4, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Nicole D. Dretar
Attorney for Applicants
Registration No. 54,076

NDD/sjc
Enclosures

426568_1.DOC

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$180.00

Complete if Known

Application Number	09/934,121
Filing Date	August 21, 2001
First Named Inventor	William J. BYRNE
Examiner Name	MD S. Elahee
Art Unit	2645
Attorney Docket No.	2222.0320000

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims 9 - 20 or HP 55 = 0 x =

HP = highest number of total claims paid for, if greater than 20

Indep. Claims 1 - 3 or HP 6 = 0 x =

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u> </u> - 100 = <u> </u> / 50 = <u> </u> (round up to a whole number) x <u> </u> = <u> </u>				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement Submission Surcharge

Fees Paid (\$)

\$180.00

SUBMITTED BY

Signature	<u>Nicole D. Dretar</u>	Registration No. (Attorney/Agent)	<u>54,076</u>	Telephone	<u>(202) 371-2600</u>
Name (Print/Type)	<u>Nicole D. Dretar</u>			Date	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

2222.0320000

APPLICATION NO.

09/934,121

INVENTORS

Byrne et al.

FILING DATE

August 21, 2001

ART UNIT

2645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,367,454	11/1994	Kawamoto et al.			
	AB1	5,500,920	03/1996	Kupiec			
	AC1	5,559,927	09/1996	Clynes			
	AD1	5,636,325	06/1997	Farrett			
	AE1	5,652,789	07/1997	Miner et al.			
	AF1	5,682,469	10/1997	Linnett et al.			
	AG1	5,751,793	08/1998	Davies et al.			
	AH1	5,860,064	01/1999	Henton			
	AI1	5,873,057	02/1999	Eves et al.			
	AJ1	5,949,854	09/1999	Sato			
	AK1	5,987,415	11/1999	Breese et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0697780A	02/1996	EP			N/A
	AM1	96/11542A	04/1996	WO			N/A
	AN1	97/33416A	09/1997	WO			N/A
	AO1						Yes No
	AP1						Yes No

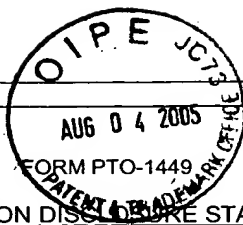
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Chin, John P., "Personality Trait Attributions to Voice Mail User Interfaces," Proceedings of the 1996 Conference on Human Factors in Computing Systems, Vancouver, BC, CHI 96, Online!, XP002113878, pages 248-249 (April 13-18, 1996).
AS	1	Copy of International Search Report for Appln. No. PCT/US02/26921, issued December 10, 2002, 4 pages.
AT	1	James, F., AHA: Audio HTML Access, printed from http://www-pcd.stanford.edu/~fjames/aha/www6/PAPER296.html .

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

2222.0320000

APPLICATION NO.

09/934,121

INVENTORS

Byrne et al.

FILING DATE

August 21, 2001

ART UNIT

2645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,061,433	05/2000	Polcyn et al.			
	AB2	6,064,874	05/2000	Cox et al.			
	AC2	6,112,177	08/2000	Cosatto et al.			
	AD2	6,144,938	11/2000	Surace et al.			
	AE2	6,349,290	02/2002	Horowitz et al.			
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	James, F., Presenting HTML Structure in Audio: User Satisfaction with Audio Hypertext, printed from http://www-pcd.stanford.edu/~fjames/reports/pilot-tr/techrep-pilot.html on April 14, 1997.
AS	2	"Method for Appropriately Interfacing to User Characteristics in a Voice Interface System," IBM Technical Disclosure Bulletin, vol. 37, no. 3, pages 307-308 (March 1994).
AT	2	Reeves, B. and Nass, C., <i>The Media Equation: How People Treat Computers, Television, and New Media Like Real People and Places</i> , ISBN No. 1-57586-052-X, CSLI Publications, pages 89-108 (1996).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
2222.0320000APPLICATION NO.
09/934,121INVENTORS
Byrne et al.FILING DATE
August 21, 2001ART UNIT
2645**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Trainor, et al., "The Inclusion Of Personality Trait Based Adaptive Interfaces Into Computing Based Learning And Training Environments," Abstract and Proceedings of the Thirty-First International Matador Conference, Manchester, UK, pages 195-200 (April 20-21, 1995).
	AS	<u>3</u>	
	AT	<u>3</u>	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.